

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ERIK FLORES-GONZALES,

Petitioner,

vs.

UNITED STATES OF AMERICA

Respondent.

Case No. 3:10-CV-00751-ECR-(VPC)

**ORDER**

Petitioner has paid the filing fee (#6). The court has reviewed his request for final disposition on United States Marshals' hold, pursuant to the Interstate Agreement on Detainers Act.<sup>1</sup> The court will dismiss this action.

Petitioner alleges that the United States Marshals Service has placed with the Nevada Department of Corrections a detainer against him for an unspecified, untried federal offense. He claims that he has delivered a request pursuant to Article III(a) of the Interstate Agreement on Detainers for final disposition of those charges. See 18 U.S.C. App. 2, § 2. He further claims that no action has been taken upon his request.

Petitioner is in the wrong court. The court has reviewed its records, and no criminal charges against petitioner are pending in this court. This court has no power to order another

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<sup>1</sup>The court assessed the filing fee based upon this suit being commenced as a petition for a writ of habeas corpus. Upon review of petitioner's request, it appears that it is not a habeas corpus petition, which makes the filing fee different. However, because the court is dismissing this action, the matter is largely moot.


1 United States District Court to act upon his request for final disposition pursuant to the Interstate  
2 Agreement on Detainers Act. Petitioner needs to make his request in the United States District  
3 Court for the district where he has been indicted.

4 IT IS THEREFORE ORDERED that the clerk file petitioner's request for final  
5 disposition on United States Marshals' hold, pursuant to the Interstate Agreement on Detainers Act.

6 IT IS FURTHER ORDERED that petitioner's request for final disposition on United  
7 States Marshals' hold, pursuant to the Interstate Agreement on Detainers Act is **DENIED**. This  
8 action is **DISMISSED** without prejudice to petitioner filing his request in the correct court. The  
9 clerk of the court shall enter judgment accordingly.

10 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**, to the  
11 extent that one is necessary.

12 DATED this 15<sup>th</sup> day of March 2011.

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15 EDWARD C. REED  
16 United States District Judge  
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